

AO 88A (Rev. 06/09) Subpoena to Testify at a Deposition in a Civil Action

## UNITED STATES DISTRICT COURT

for the

Southern District of Mississippi

U.S. ex rel. Cori Rigsby and Kerri Rigsby

*Plaintiff*

v.

State Farm Fire &amp; Casualty Co., et al.

*Defendant*

Civil Action No. 1:06cv433-LTS-RHW

(If the action is pending in another district, state where: )

## SUBPOENA TO TESTIFY AT A DEPOSITION IN A CIVIL ACTION

To: Sam La Rosa, 2542 South Shore Drive, Biloxi, MS 39532

☒ **Testimony:** **YOU ARE COMMANDED** to appear at the time, date, and place set forth below to testify at a deposition to be taken in this civil action. If you are an organization that is *not* a party in this case, you must designate one or more officers, directors, or managing agents, or designate other persons who consent to testify on your behalf about the following matters, or those set forth in an attachment:

Place: Butler, Snow, O'Mara, Stevens & Cannada, PLLC  
Whitney Bank Building, 1300 25th Avenue, Suite 204  
Gulfport, MS 39501

Date and Time:

12/30/2010 9:30 am

The deposition will be recorded by this method: Stenographic means.

☒ **Production:** You, or your representatives, must also bring with you to the deposition the following documents, electronically stored information, or objects, and permit their inspection, copying, testing, or sampling of the material:

See Exhibit "A" attached hereto.

The provisions of Fed. R. Civ. P. 45(c), relating to your protection as a person subject to a subpoena, and Rule 45 (d) and (e), relating to your duty to respond to this subpoena and the potential consequences of not doing so, are attached.

Date: 12/13/2010

CLERK OF COURT

OR

Signature of Clerk or Deputy Clerk

Attorney's signature



The name, address, e-mail, and telephone number of the attorney representing (name of party)

State Farm Fire and Casualty Company, who issues or requests this subpoena, are:  
Robert C. Galloway, Esq.; Butler, Snow, O'Mara, Stevens & Cannada, PLLC; 1300 25th Ave., Ste. 204, Gulfport, MS 39501; bob.galloway@butlersnow.com; 228-575-3000.



**Exhibit "A" to La Rosa Subpoena Duces Tecum**

1. All photographs, videos, or moving pictures in any format, including, without limitation, paper, CD, DVD, tape, digital camera chip, etc., together with any negatives of paper photographs, taken on August 28, 2005, (the day before Hurricane Katrina), on August 29, 2005, or following Hurricane Katrina until October 15, 2005, showing your house at 2542 South Shore Drive, Biloxi ("Your House"), any damage to the exterior or the interior of Your House, any damage to the out buildings of Your House, or showing the yard, trees, pier, boat dock, or any other appurtenances to Your House.

2. All photographs, videos, or moving pictures in any format, including, without limitation, paper, CD, DVD, tape, digital camera chip, etc., together with any negatives of paper photographs, taken on August 28, 2005, (the day before Hurricane Katrina), on August 29, 2005, or following Hurricane Katrina until October 15, 2005, showing the McIntosh house at 2558 South Shore Drive, Biloxi (the "McIntosh House"), any damage to the exterior or the interior of the McIntosh House, any damage to the out buildings of the McIntosh House, or showing the yard, trees, pier, boat dock, or any other appurtenances to the McIntosh House.

3. All photographs, videos, or moving pictures in any format, including, without limitation, paper, CD, DVD, tape, digital camera chip, etc., together with any negatives of paper photographs, showing any other house, building, vehicle, or property on South Shore Drive on August 28, 2005 (the day before Hurricane Katrina), on August 29, 2005, or at any time after Hurricane Katrina up to and including October 15, 2005.

4. All written or recorded statements, including but not limited to affidavits, declarations, deposition transcripts and examinations under oath, made or given by any person

who was on South Shore Drive at any time on August 29, 2005, and all Documents containing any information about any such statements.

5. All diaries, notes of conversations, memoranda, letters, e-mails and other Documents that contain any information about (a) the nature or extent of damage to the McIntosh House caused by Hurricane Katrina, (b) the specific cause (wind or water, blowing or floating debris, etc.) of any damage to the McIntosh House during Hurricane Katrina, and/or (c) any person who claims to have information or knowledge, or photographs or other Documents, relating to the nature or extent, or specific cause, of any damage to the McIntosh House during Hurricane Katrina.

For purposes of this subpoena and Exhibit "A," "Documents" means all original: writings; electronically stored information; contracts; agreements; communications; correspondence; telegrams; memoranda; notes; summaries or records of telephone conversations, personal conversations, interviews, conferences, investigations, or negotiations; diaries; graphs; reports; notebooks; spreadsheets; charts; plans; drawings; sketches; maps; opinions or reports of consultants; photographs; recordings; films; videotapes; microfilm or microfiche; computer files, tapes, or discs; CDs; DVDs; facsimile transmittals; brochures; pamphlets; advertisements; circulars; drafts; any marginal comments appearing on any Document; and all non-identical copies of the foregoing, in your possession, custody or control, regardless of where located. In all cases where originals or non-identical copies are not available, "Documents" also means identical copies of original documents and copies of non-identical copies.



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**PROOF OF SERVICE**

*(This section should not be filed with the court unless required by Fed. R. Civ. P. 45.)*

This subpoena for *(name of individual and title, if any)* \_\_\_\_\_  
was received by me on *(date)* \_\_\_\_\_.

☐ I served the subpoena by delivering a copy to the named individual as follows: \_\_\_\_\_  
\_\_\_\_\_ on *(date)* \_\_\_\_\_; or

☐ I returned the subpoena unexecuted because: \_\_\_\_\_  
\_\_\_\_\_.

Unless the subpoena was issued on behalf of the United States, or one of its officers or agents, I have also  
tendered to the witness fees for one day's attendance, and the mileage allowed by law, in the amount of  
\$ \_\_\_\_\_.

My fees are \$ \_\_\_\_\_ for travel and \$ \_\_\_\_\_ for services, for a total of \$ 0.00.

I declare under penalty of perjury that this information is true.

Date: \_\_\_\_\_

\_\_\_\_\_  
*Server's signature*

\_\_\_\_\_  
*Printed name and title*

\_\_\_\_\_  
*Server's address*

Additional information regarding attempted service, etc: